

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
THURSDAY, JULY 19, 2012
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

**TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA
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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ELECTION OF OFFICERS

ITEM NO. 1 The Commission will elect officers to serve for the year.

V. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

VI. REQUEST FOR CONTINUANCES

VII. CONSENT ITEMS

ITEM NO. 2 MINUTES OF JULY 5, 2012

Recommended Action: Approve and file

VIII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**ITEM NO. 3 ROSE BAKERY CAFÉ USE PERMIT REVIEW (PA2010-103)
SITE LOCATION: 3536 East Coast Highway**

Summary:

One year review of Amendment No. 1 to UP 2009-035 as required by condition of approval no. 5. The purpose of the review is to determine compliance with the conditions of approval and effectiveness of the Parking Management Plan.

CEQA Compliance:

This Use Permit review is exempt from environmental review pursuant to Section 15321 (Class 21 - Enforcement Actions by Regulatory Agencies) of the Guidelines for Implementation of the California Environmental Quality Act.

Recommended Action:

1. Receive public comments; and
2. Receive and file.

ITEM NO. 4 COAST POINT (PREVIOUSLY KNOWN AS CHINA PALACE) USE PERMIT REVIEW (PA2010-082)
Site Location: 2800 West Coast Highway

Summary:

On November 23, 2010, the City Council adopted Resolution No. 2010-131 approving Use Permit No. UP2010-015 for live entertainment and dancing at the Coast Point (previously known as China Palace) restaurant. Condition No. 1 requires that the Planning Commission review the operation after one year to determine whether the applicant has complied with the conditions of approval.

CEQA Compliance:

This Use Permit review is exempt from environmental review pursuant to Section 15321 (Class 21 - Enforcement Actions by Regulatory Agencies) of the Guidelines for Implementation of the California Environmental Quality Act.

Recommended Action:

1. Receive public comments; and
2. Receive and file.

ITEM NO. 5 WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE (PA2012-057)
Site Location: N/A

Summary:

An amendment to the Newport Beach Municipal Code ("NBMC") to update regulations regarding wireless telecommunication facilities ("telecom facilities"). Regulations currently contained in Chapter 15.70 would be updated and relocated to Title 20 (Planning and Zoning). Chapter 15.70 would be rescinded in its entirety.

CEQA Compliance:

This code amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ recommending that City Council approve an amendment to the NBMC to update regulations regarding telecom facilities, and consolidate all provisions currently contained in Title 13 (Streets, Sidewalks and Public Property) and Title 15 (Buildings and Construction) within a proposed new chapter in Title 20 (Chapter 20.49 Wireless Telecommunications Facilities); and repeal Chapter 15.70 in its entirety.

IX. NEW BUSINESS

ITEM NO. 6 BALBOA VILLAGE IMPLEMENTATION PLAN (PA2011-224)
Site Location: Balboa Peninsula between 7th Street and A Street including Balboa Village

Summary:

During the City Council's 2011 goal setting session, revitalization of several neighborhoods was prioritized including Balboa Village. The City Council established the Neighborhood Revitalization Ad-Hoc Committee ("NRC") to guide the overall effort and Council Members Henn, Hill, and Selich were appointed to the ad-hoc committee. The NRC established a Citizens Advisory Panel ("CAP") consisting of several community leaders and residents to assist the NRC. With the assistance of staff

and consultants, the CAP and NRC have prepared the attached draft Implementation Plan ("Implementation Plan" or "Plan") that will be forwarded to the City Council for review and action. The Planning Commission's input on the Implementation Plan is requested.

CEQA Compliance:

Consideration and possible adoption of the Balboa Village Implementation Plan is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the Implementation Plan only identifies possible future actions and has no legally binding effect.

Recommended Action:

1. Review the Balboa Village Implementation Plan and provide comments to the City Council, as deemed warranted by the Planning Commission.

X. CONTINUED BUSINESS

**ITEM NO. 7 REVIEW OF RULES OF PROCEDURES OF THE PLANNING COMMISSION
(PA2012-065)
Site Location: N/A**

Summary:

Amend certain sections of the RULES OF PROCEDURES OF THE PLANNING COMMISSION (Procedures).

CEQA Compliance:

Revising the Planning Commission Rules of Procedures is not considered a "project" as defined by the California Environmental Quality Act (CEQA) in that this action has no potential to result in direct or indirect physical change to the environment.

Recommended Action:

1. In accordance with Section XV of the Procedures, approve the amendments to the Rules of Procedures of the Planning Commission.

XI. STAFF AND COMMISSIONER ITEMS

ITEM NO. 8 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

**ITEM NO. 9 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT.**

ITEM NO. 10 REQUESTS FOR EXCUSED ABSENCES

XII. ADJOURNMENT